



January 26, 2016

HOUSE BILL No. 1339

DIGEST OF HB 1339 (Updated January 26, 2016 9:24 am - DI 116)

Citations Affected: IC 20-20; IC 20-28; noncode.

Synopsis: Teachers. Establishes the Indiana teacher retention and recruitment program to improve teacher retention rates, recruitment, and quality. Establishes the Indiana teacher retention and recruitment program fund to be used to fund programs developed by the department in consultation with teachers, educators, and other education interest groups. Establishes the Indiana new teacher mentoring program and fund to provide grants to school corporations and charter schools to be used for stipends for mentors. Makes changes to the factors used to determine increases or increments in a local salary range. Provides that a teacher rated as ineffective may not receive a raise. (Current law provides that a teacher rated as ineffective or improvement necessary may not receive a raise.) Makes changes to the requirements for a school corporation's annual performance evaluation plan. Makes an appropriation.

Effective: July 1, 2016.

Truitt, McNamara, Cook, Porter

January 12, 2016, read first time and referred to Committee on Education.
January 26, 2016, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

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January 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1339

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-20-42 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2016]:
- 4 **Chapter 42. Indiana Teacher Retention and Recruitment**
- 5 **Program**
- 6 **Sec. 1. As used in this chapter, "fund" refers to the Indiana**
- 7 **teacher retention and recruitment program fund established by**
- 8 **section 4 of this chapter.**
- 9 **Sec. 2. As used in this chapter, "program" refers to the Indiana**
- 10 **teacher retention and recruitment program established by section**
- 11 **3 of this chapter.**
- 12 **Sec. 3. (a) The Indiana teacher retention and recruitment**
- 13 **program is established to improve teacher retention rates,**
- 14 **recruitment, and quality. Except as provided in subsection (b), the**
- 15 **department, in consultation with teachers, school officials, and**
- 16 **other stakeholders shall develop and implement programs to do the**
- 17 **following:**

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1 (1) Promote the mentoring of inexperienced teachers by
2 effective role models.

3 (2) Promote the teaching profession in Indiana and the
4 recruitment of teachers.

5 (3) If requested by a school corporation, provide assistance to
6 the school corporation in developing a compensation model
7 that:

8 (A) includes a pay scale that has a professionally
9 competitive base and index;

10 (B) includes regular increases of the base salary;

11 (C) expands opportunities for pay increases based on
12 career paths, including ongoing learning through advanced
13 degrees or additional licensure in education or related
14 content areas; and

15 (D) establishes and compensates teacher leadership and
16 career ladders that have mentoring opportunities and
17 ongoing advancement, support, and recognition of teacher
18 skills and experience.

19 (4) If requested by a school corporation, provide assistance to
20 the school corporation in developing a teacher evaluation plan
21 under IC 20-28-11.5-4 that emphasizes the use of data from
22 multiple forms of assessment, including informal, teacher
23 constructed, and standardized assessments to improve
24 instruction and measure student growth.

25 (5) Improve or extend preservice clinical experience before
26 licensure.

27 (6) Improve teacher and administrative knowledge and
28 practice focused professional development programs.

29 (7) Increase teacher career pathways and leadership
30 opportunities inside or outside the classroom.

31 (b) The programs developed and implemented by the
32 department under subsection (a) must increase underrepresented
33 populations in the teaching workforce.

34 (c) The scope of the development and implementation of
35 programs under subsection (a) are subject to the availability and
36 allocation of sufficient funding necessary for the department to
37 staff the programs and carry out its responsibilities under this
38 chapter.

39 (d) The department may award grants to school corporations or
40 school personnel for programs established by the department
41 under subsection (a) using criteria developed and in a manner
42 prescribed by the department and approved by the state board.



1 **Sec. 4. (a) The Indiana teacher retention and recruitment**
 2 **program fund is established to fund programs established by the**
 3 **department under section 3 of this chapter.**

4 **(b) The fund shall be administered by the department.**

5 **(c) The fund consists of:**

- 6 **(1) appropriations made by the general assembly; and**
 7 **(2) gifts, grants, devises, and bequests in money, property, or**
 8 **other forms made to the fund.**

9 **(d) The treasurer of state shall invest the money in the fund not**
 10 **currently needed to meet the obligations of the fund in the same**
 11 **manner as other public funds may be invested.**

12 **(e) The money in the fund at the end of a state fiscal year does**
 13 **not revert to the state general fund but remains in the fund to be**
 14 **used exclusively for purposes of this chapter.**

15 **SECTION 2. IC 20-20-43 IS ADDED TO THE INDIANA CODE**
 16 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 17 **JULY 1, 2016]:**

18 **Chapter 43. Indiana New Teacher Mentoring Program**

19 **Sec. 1. This chapter applies to an individual who receives an**
 20 **initial Indiana teaching license after March 31, 2016.**

21 **Sec. 2. As used in this chapter, "advisor" means a representative**
 22 **of a teacher training institution within Indiana who acts as a**
 23 **teacher advisor for a new teacher.**

24 **Sec. 3. As used in this chapter, "beginning teacher" means an**
 25 **individual who:**

- 26 **(1) is employed as a teacher at a public school;**
 27 **(2) has not successfully completed a mentoring program**
 28 **under this chapter; and**
 29 **(3) has three (3) years or less of teaching experience.**

30 **Sec. 4. As used in this chapter, "mentor" refers to an individual**
 31 **who is assigned under section 9 of this chapter.**

32 **Sec. 5. As used in this chapter, "mentoring program" refers to**
 33 **the Indiana new teacher mentoring program established under**
 34 **section 7 of this chapter.**

35 **Sec. 6. As used in this chapter, "teacher training institution"**
 36 **means a college or university offering a program of teacher**
 37 **education approved by the board.**

38 **Sec. 7. (a) The Indiana new teacher mentoring program is**
 39 **established in collaboration with teacher training institutions to:**

- 40 **(1) assist new teachers in the performance of their duties;**
 41 **(2) identify teaching skills and educational practices necessary**
 42 **to acquire and maintain excellence in teaching; and**



(3) evaluate the performance of beginning teachers by principals.

(b) The department shall award grants to school corporations and charter schools for the purpose of providing stipends to mentors under section 9 of this chapter. The department, with the approval of the state board, shall establish criteria and the manner for distributing grants under this chapter.

Sec. 8. (a) The Indiana new teacher mentoring program fund is established to fund grants made by the department to school corporations and charter schools to award mentor stipends under section 9 of this chapter.

(b) The fund shall be administered by the department.

(c) The fund consists of:

- (1) appropriations made by the general assembly; and
- (2) gifts, grants, devises, and bequests in money, property, or other forms made to the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

Sec. 9. (a) Each school corporation and charter school that receives a grant under this chapter shall, with the consent of the mentor, assign a mentor to assist each beginning teacher under the mentorship program. The superintendent shall, whenever possible, assign a mentor who:

- (1) has at least three (3) years of teaching experience;
- (2) teaches at a grade level similar to that of the beginning teacher;
- (3) teaches similar subjects as those of the beginning teacher; and
- (4) teaches in the same building as the beginning teacher.

(b) A mentor must be a teacher that is rated as effective or highly effective in an annual performance evaluation plan developed under IC 20-28-11.5-4.

(c) A mentor does not become a supervisor as a result of performing duties under this chapter.

(d) The superintendent shall take the action necessary to provide a mentor adequate time for the mentor to observe the beginning teacher in a classroom setting. Whenever practical, the superintendent shall provide the mentor release time from the



1 mentor's nonclassroom duties.

2 (e) A mentor is entitled to an annual stipend in an amount
3 determined by the school corporation from a grant made under
4 this chapter. However, the following stipend amounts are
5 recommended:

6 (1) One thousand dollars (\$1,000) to a mentor who mentors a
7 beginning teacher with one (1) school year or less of teaching
8 experience.

9 (2) Eight hundred dollars (\$800) to a mentor who mentors a
10 beginning teacher with more than one (1) school year but two
11 (2) school years or less of teaching experience.

12 (3) Six hundred dollars (\$600) to a mentor who mentors a
13 beginning teacher with more than two (2) school years but
14 three (3) school years or less of teaching experience.

15 Sec. 10. The commission for higher education, in consultation
16 with the department, shall monitor the success of mentoring
17 programs established in collaboration with teacher training
18 institutions under this chapter and provide information relating to
19 successful mentoring programs on the commission for higher
20 education's Internet web site.

21 SECTION 3. IC 20-28-9-1.5, AS AMENDED BY P.L.213-2015,
22 SECTION 179, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2016]: Sec. 1.5. (a) This subsection governs
24 salary increases for a teacher employed by a school corporation.
25 Compensation attributable to additional degrees or graduate credits
26 earned before the effective date of a local compensation plan created
27 under this chapter before July 1, 2015, shall continue for school years
28 beginning after June 30, 2015. Compensation attributable to additional
29 degrees for which a teacher has started course work before July 1,
30 2011, and completed course work before September 2, 2014, shall also
31 continue for school years beginning after June 30, 2015. For school
32 years beginning after June 30, 2015, a school corporation may provide
33 a supplemental payment to a teacher in excess of the salary specified
34 in the school corporation's compensation plan if the teacher has earned
35 a master's degree from an accredited postsecondary educational
36 institution in a content area directly related to the subject matter of:

37 (1) a dual credit course; or

38 (2) another course;

39 taught by the teacher. In addition, a supplemental payment may be
40 made to an elementary school teacher who earns a master's degree in
41 math or reading and literacy. A supplement provided under this
42 subsection is not subject to collective bargaining, but a discussion of



the supplement must be held. Such a supplement is in addition to any increase permitted under subsection (b).

(b) Increases or increments in a local salary range must be based upon a **professionally competitive base salary and index and made regularly using a** combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including:

(A) the responsibility for conducting evaluations under IC 20-28-11.5; or

(B) **mentoring responsibilities.**

(4) The academic needs of students in the school corporation.

(5) The provision of teacher career paths or career ladder opportunities that provide ongoing advancement, support, and recognition of the teacher's skills and expertise.

(c) ~~A~~ **Except as provided in subsection (d),** a teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) Subsection (c) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection.

~~(d)~~ (e) A teacher who does not receive a raise or increment under subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving



notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

~~(e)~~ **(f)** The department shall publish a model compensation plan with a model salary range that a school corporation may adopt. Before July 1, 2015, the department may modify the model compensation plan, as needed, to comply with subsection ~~(f)~~: **(g)**.

~~(f)~~ **(g)** Each school corporation shall submit its local compensation plan to the department. For a school year beginning after June 30, 2015, a local compensation plan must specify the range for teacher salaries. The department shall publish the local compensation plans on the department's Internet web site.

~~(g)~~ **(h)** The department shall report any noncompliance with this section to the state board.

~~(h)~~ **(i)** The state board shall take appropriate action to ensure compliance with this section.

~~(i)~~ **(j)** This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2015, if that decrease would be made solely to conform to the new compensation plan.

~~(j)~~ **(k)** After June 30, 2011, all rights, duties, or obligations established under IC 20-28-9-1 before its repeal are considered rights, duties, or obligations under this section.

SECTION 4. [EFFECTIVE JULY 1, 2016] **(a) There is appropriated to the Indiana new teacher mentoring program fund established by IC 20-20-43-8, as added by this act, seven million two hundred thousand dollars (\$7,200,000) for the state fiscal year beginning July 1, 2016, and ending June 30, 2017, from the state general fund for use in carrying out the purposes of the Indiana new teacher mentoring program as described in IC 20-20-43-7, as added by this act.**

(b) This SECTION expires July 1, 2017.

SECTION 5. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "education interest groups" and insert **"stakeholders"**.

Page 2, line 5, delete "Assist school corporations" and insert **"If requested by a school corporation, provide assistance to the school corporation"**.

Page 2, line 5, after "developing" insert **"a"**.

Page 2, line 6, delete "models" and insert **"model"**.

Page 2, line 7, delete "include" and insert **"includes"**.

Page 2, line 9, delete "include" and insert **"includes"**.

Page 2, line 10, delete "expand" and insert **"expands"**.

Page 2, line 14, delete "establish and compensate" and insert **"establishes and compensates"**.

Page 2, line 18, delete "Assist school corporations" and insert **"If requested by a school corporation, provide assistance to the school corporation"**.

Page 2, line 18, after "developing" insert **"a"**.

Page 2, line 19, delete "plans" and insert **"plan"**.

Page 2, line 19, delete "emphasize" and insert **"emphasizes"**.

Page 3, line 37, after "established" insert **"in collaboration with teacher training institutions"**.

Page 3, line 40, after "teaching;" insert **"and"**.

Page 3, line 42, delete "; and" and insert **"."**.

Page 4, delete line 1.

Page 4, line 27, delete "five (5)" and insert **"three (3)"**.

Page 5, delete lines 1 through 10, begin a new paragraph and insert:

"(e) A mentor is entitled to an annual stipend in an amount determined by the school corporation from a grant made under this chapter. However, the following stipend amounts are recommended:

(1) One thousand dollars (\$1,000) to a mentor who mentors a beginning teacher with one (1) school year or less of teaching experience.

(2) Eight hundred dollars (\$800) to a mentor who mentors a beginning teacher with more than one (1) school year but two (2) school years or less of teaching experience.

(3) Six hundred dollars (\$600) to a mentor who mentors a



beginning teacher with more than two (2) school years but three (3) school years or less of teaching experience.

Sec. 10. The commission for higher education, in consultation with the department, shall monitor the success of mentoring programs established in collaboration with teacher training institutions under this chapter and provide information relating to successful mentoring programs on the commission for higher education's Internet web site."

Page 6, line 12, delete "Teacher" and insert **"The provision of teacher"**.

Page 6, line 15, strike "A" and insert **"Except as provided in subsection (d), a"**.

Page 6, line 15, reset in roman "or improvement necessary".

Page 6, line 19, reset in roman "or improvement necessary".

Page 6, between lines 21 and 22, begin a new paragraph and insert:

"(d) Subsection (c) does not apply to a teacher in the first two (2) full school years that the teacher provides instruction to students in elementary school or high school. If a teacher provides instruction to students in elementary school or high school in another state, any full school year, or its equivalent in the other state, that the teacher provides instruction counts toward the two (2) full school years under this subsection."

Page 6, line 22, strike "(d)" and insert **"(e)"**.

Page 6, line 28, strike "(e)" and insert **"(f)"**.

Page 6, line 31, strike "(f)." and insert **"(g)."**

Page 6, line 32, strike "(f)" and insert **"(g)"**.

Page 6, line 37, strike "(g)" and insert **"(h)"**.

Page 6, line 39, strike "(h)" and insert **"(i)"**.

Page 6, line 41, strike "(i)" and insert **"(j)"**.

Page 7, line 3, strike "(j)" and insert **"(k)"**.

Page 7, delete lines 6 through 42.

Delete pages 8 through 9.

Page 10, delete lines 1 through 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1339 as introduced.)

BEHNING

Committee Vote: yeas 11, nays 1.

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